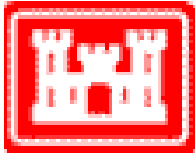


PUBLIC NOTICE



US ARMY CORPS
OF ENGINEERS

OMAHA DISTRICT

APPLICANT: NORTH PLAINS
ESTATES II, INC.
APPLICATION NO: 200330381
WATERWAY: WETLAND
ISSUE DATE: JANUARY 21, 2005
EXPIRATION DATE: FEBRUARY 11, 2005

Regulatory Office, 28563 Powerhouse Rd, Room 118, Pierre, SD 57501

21-DAY NOTICE

JOINT NOTICE OF PERMIT PENDING

US ARMY CORPS OF ENGINEERS
AND
SOUTH DAKOTA DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES

The application of North Plains II, Inc., Aberdeen, South Dakota, for approval of plans and issuance of a permit under authority of the Secretary of the Army is being considered by the District Engineer, US Army Engineer District, Omaha, Nebraska.

The applicant requests authorization to perform site grading/fill activities in jurisdictional waters of the United States (wetlands) in association with a residential development (North Plains Subdivision). The project is located in Section 7, Township 123 North, Range 63 West, latitude 45-29-2.8346, longitude 98-28-1.6468, Brown County, South Dakota.

The proposed project will consist of grading the site to proposed contours and elevations for the construction of building lots and streets, installation of storm water drainage structures, and reconfiguration of existing wetlands classified as palustrine emergent wetlands. A copy of the project site wetland delineation can be obtained by contacting the South Dakota Regulatory Office at the address or phone number provided herein. Approximately 2.8 acres of existing wetland area will be filled by the project construction. The remaining wetland area will be reshaped (excavated) to the dimensions shown on the attached plans to include the creation of approximately 1.3 acres of new wetlands. In addition to the 1.3 acres of created wetland area, the applicant has proposed a preliminary plan to provide compensatory wetland mitigation at an existing wetland creation site (Ashwood Heights) adjacent to Moccasin Creek and expanding the size of the wetland.

The purpose of the project is to develop the site for residential lots and to redevelop wetlands that would be compatible with the subdivision design features.

The South Dakota Department of Environment and Natural Resources, Division of Environmental Services, 523 East Capitol Avenue, Pierre, South Dakota, 57501-3181, will review the proposed project for state certification in accordance with the provisions of Section 401 of the Clean Water Act. The certification, if issued, will express the State's opinion that the operations undertaken by the applicant will not result in a violation of applicable water quality standards. The South Dakota Department of Environment and Natural Resources hereby incorporates this public notice as its own public notice and procedures by reference (ARSD 74:51:01).

Omaha District will comply with the National Historic Preservation Act of 1966, as amended. We have checked the National Register of Historic Places and "its current supplements," and no property listed in the Register or proposed for listing is located in the permit area. This is the extent of our knowledge about historic properties in the permit area at this time. However, we will evaluate input by the State Historic Preservation Officer and the public in response to this public notice, and we may conduct or require a reconnaissance survey of the permit area or check for unknown historic properties, if warranted.

In compliance with the Endangered Species Act, a preliminary determination has been made that the described work will not affect species designated as threatened or endangered or adversely affect critical habitat. In order to complete our evaluation of this activity, comments are solicited from the U.S. Fish and Wildlife Service and other interested agencies and individuals.

The decision whether to issue a permit will be based on an evaluation of the probable impacts including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposals must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the activity will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food production, and, in general the needs and welfare of the people. In addition, the evaluation of the impacts of the project on public interest will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency, under authority of Section 404(b) of the Clean Water Act (40 CFR Part 230).

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

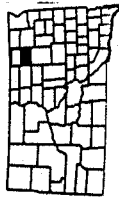
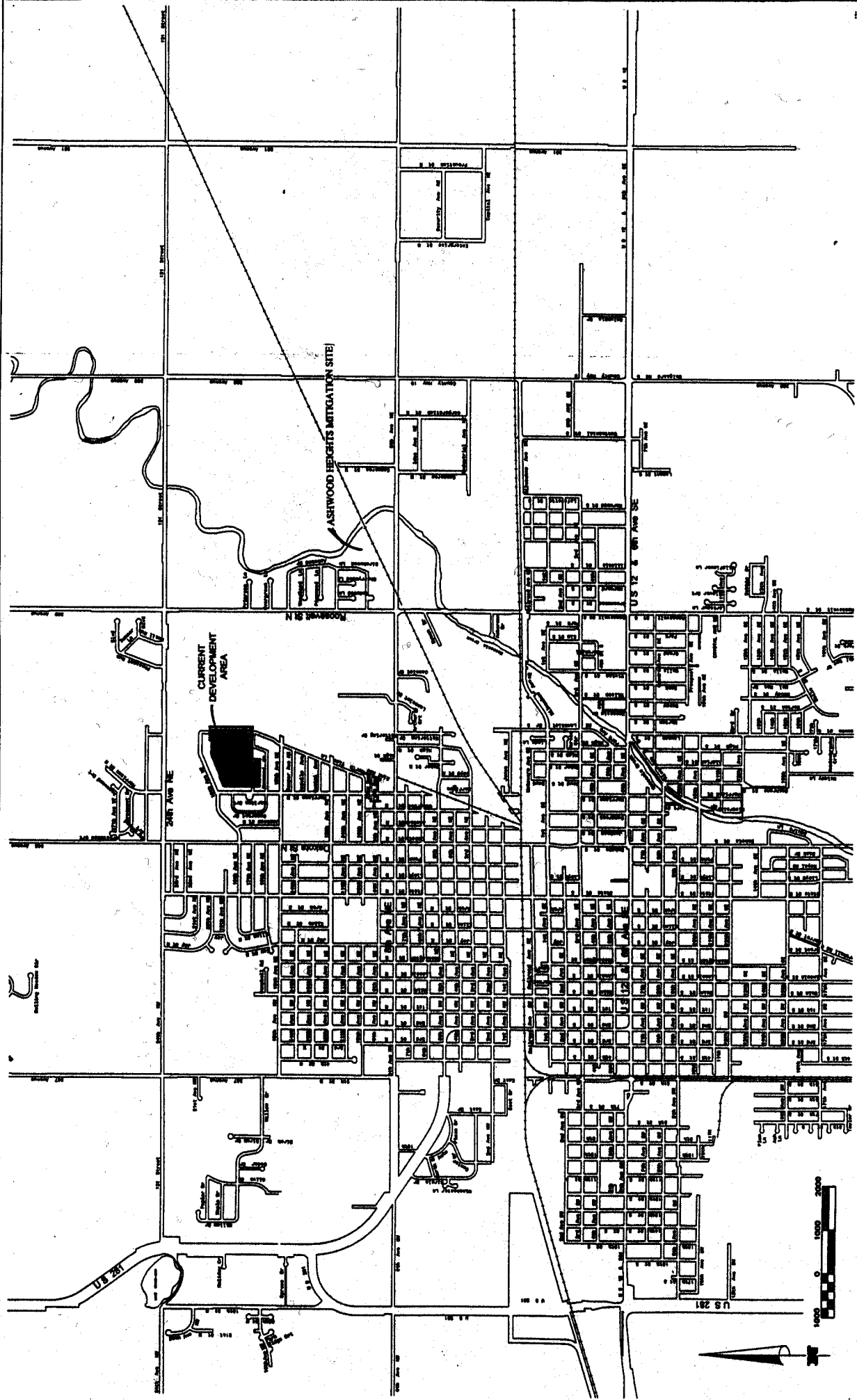
Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reason for holding a public hearing. The request must be submitted to the US Army Corps of Engineers, South Dakota Regulatory Office, 28563 Powerhouse Road, Room 118, Pierre, South Dakota 57501.

Any interested party (particularly officials of any town, city, county, state, Federal agency, Indian Tribe, or local association whose interests may be affected by the proposed work) is invited to submit to this office, written facts, arguments, or objections on or before February 11, 2005. Any agency or individual having an objection to the proposed work should specifically identify it as an objection with clear and specific reasons. Comments, both favorable and unfavorable, will be accepted, made a part of the record and will receive full consideration in subsequent actions on this permit application. All replies to the public notice should be addressed to the address listed in the previous paragraph. Thomas A. Lowin, telephone number (605) 224-8531, may be contacted for additional information.

Comments received after the close of the business day on the expiration date of this public notice will not be considered.

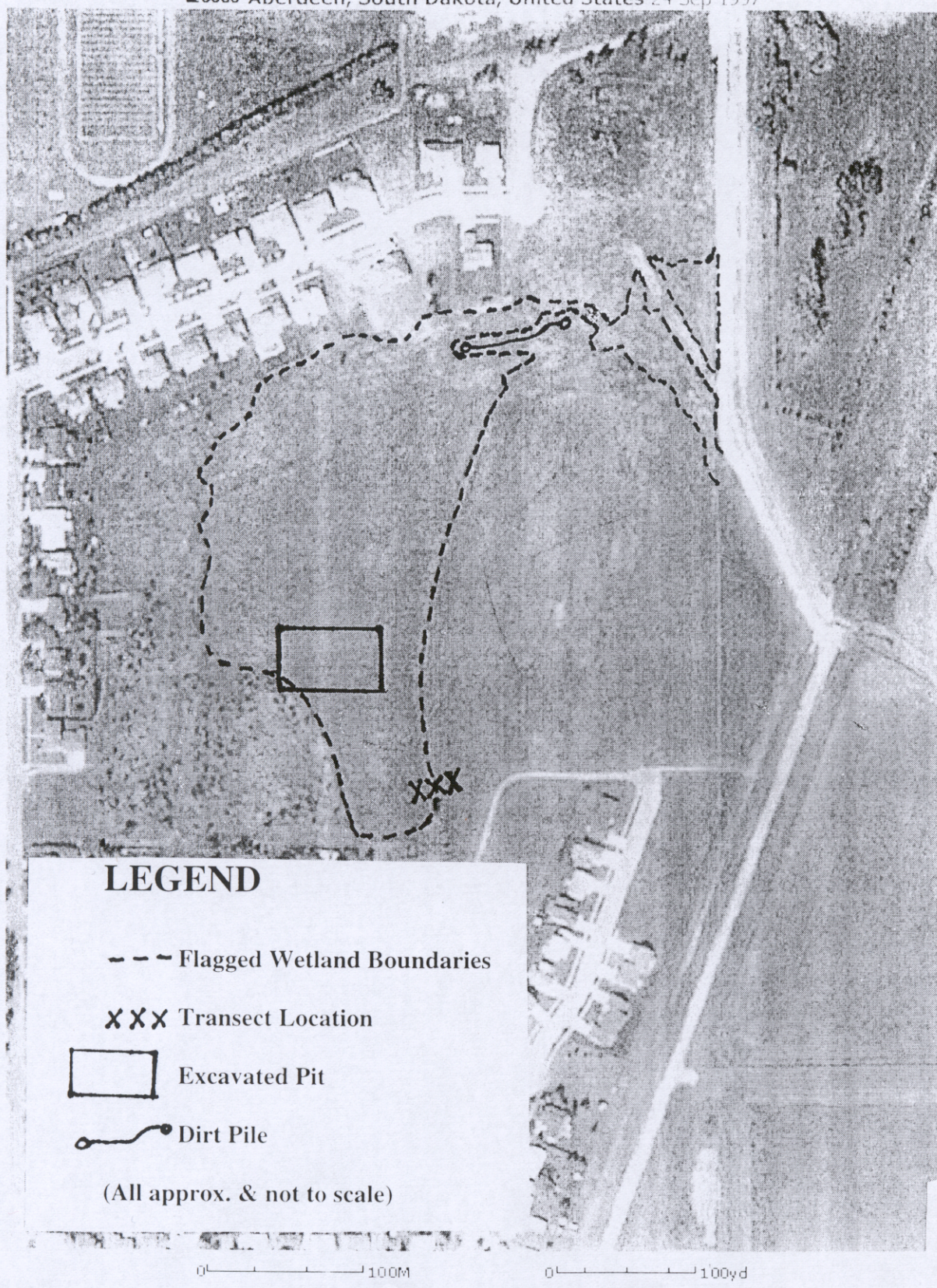
This project, if authorized, will be under the provisions of Section 404 of the Clean Water Act.

Drawings showing the location and extent of the work are attached to this notice.



CLARK ENGINEERING CORPORATION 1011 First Avenue SE P.O. Box 20 Aberdeen, SD 57402 (605) 225-3494	SHEET DESCRIPTION NORTH PLAINS SUBDIVISION ABERDEEN, SOUTH DAKOTA	CITY AND SUBDIVISION LOCATION	DATE 12-13-04	SHEET 1
	PROJECT IN wetlands AT Sec. 7/T123N/R63W COUNTY Brown DATE 1/21/2005 SHEET 1 of 7	DRAWN BY RDN	CHECKED BY LGA	REVISIONS

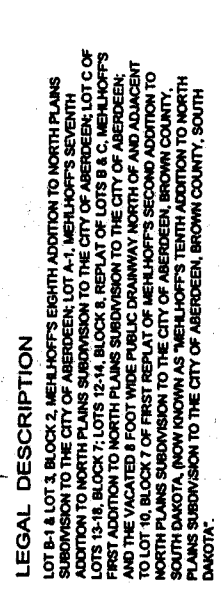
PURPOSE: Residential Development
APPLICATION BY:
 North Plains Estates II, Inc.
 No. 200330381



DEVELOPMENT AREA - #4240
T123N., R64W., S7 NW1/4 (~30 acres)

PURPOSE: Residential Development
APPLICATION BY:
North Plains Estates II, Inc.
No. 200330381

IN wetlands
AT Sec. 7/T123N/R63W
COUNTY Brown
DATE 1/21/2005
SHEET 2 of 7



LOTS B-1 & LOT 3, MEHLHOFF'S EIGHTH ADDITION TO NORTH PLAINS SUBDIVISION TO THE CITY OF ABERDEEN; LOT A-1, MEHLHOFF'S SEVENTH ADDITION TO NORTH PLAINS SUBDIVISION TO THE CITY OF ABERDEEN; LOTS C OF LOTS 15-18, BLOCK 7; LOTS 12-14, BLOCK 8, REPLAT OF LOTS B & C, MEHLHOFF'S SEVENTH ADDITION TO NORTH PLAINS SUBDIVISION TO THE CITY OF ABERDEEN; AND THE VACATED CORNER OF THE INTERSECTION OF THE DRAINWAY ADDITION TO LOT 10, BLOCK 7 OF FIRST REPLAT OF THE DRAINWAY ADDITION TO NORTH PLAINS SUBDIVISION TO THE CITY OF ABERDEEN, BROWN COUNTY, SOUTH DAKOTA, (NOW KNOWN AS "MEHLHOFF'S TENTH ADDITION TO NORTH PLAINS SUBDIVISION TO THE CITY OF ABERDEEN, BROWN COUNTY, SOUTH DAKOTA".

NORTH PLAINS ESTATES, INC.
c/o: MILBERT MEHLHOFF
614 SOUTH MAIN STREET
ABERDEEN, SD 57401

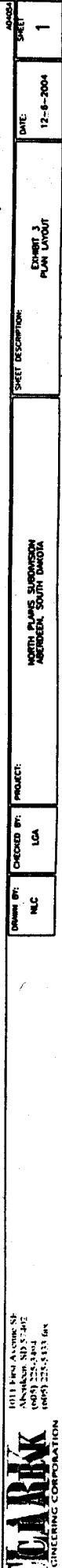
1425 NORTH PARSON STREET
ABERDEEN, SD 57401

REAR	20"
SIDE	8"
OTHER FRONT	15"

FRONT --- 10'
SIDE LOT --- 5'
REAR LOT --- 10'

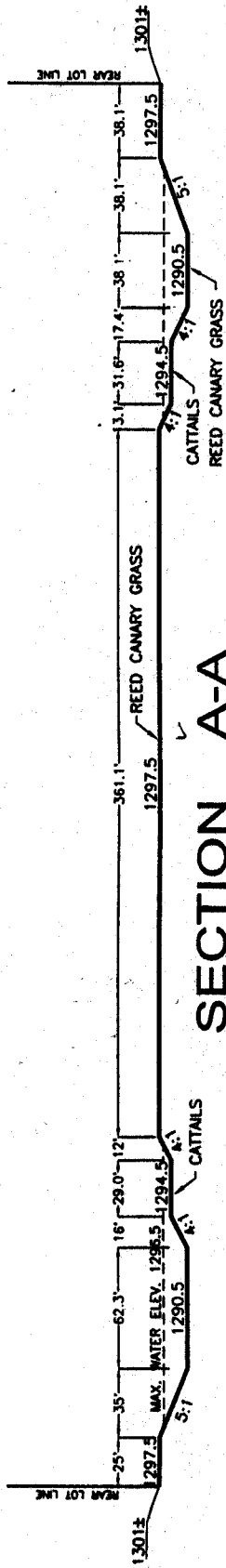
EVALUATION INFORMATION

ELEVATION AND GRADATION
CONTOURS & UTILITY IMPROVEMENTS ARE BASED ON
'88 DATUM.



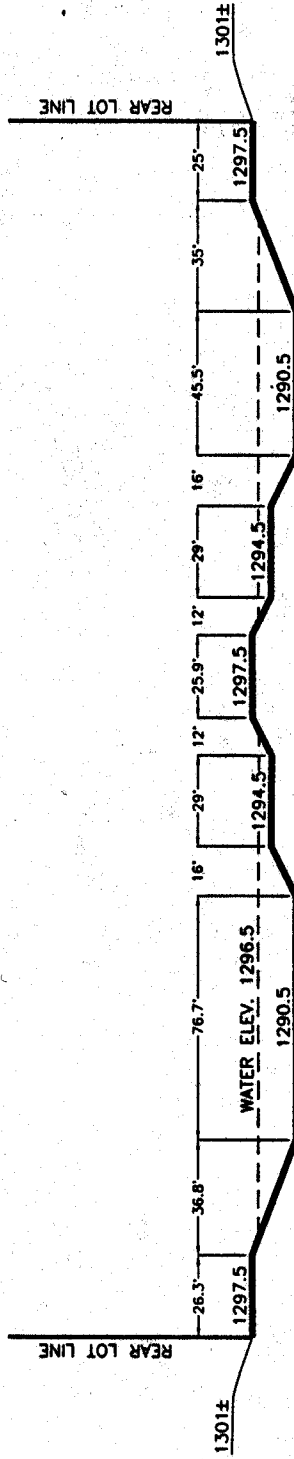
PURPOSE: Residential Development
APPLICATION BY: North Plains Estates II, Inc.
No. 200330381

CLARK
ENGINEERING CORPORATION



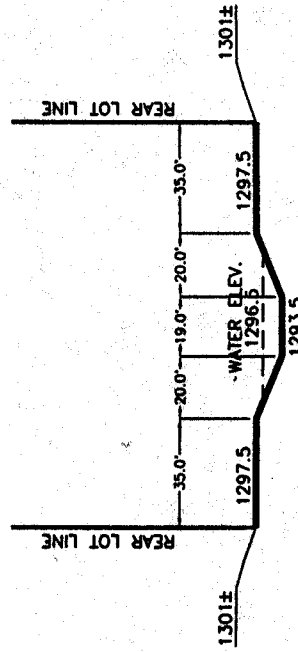
SECTION A-A

SCALE: HORIZONTAL: 1"= 60'
VERTICAL: 1"= 30'



SECTION B-B

SCALE: HORIZONTAL: 1"= 40'
VERTICAL: 1"= 20'



SECTION C-C

SCALE: HORIZONTAL: 1"= 40'
VERTICAL: 1"= 20'

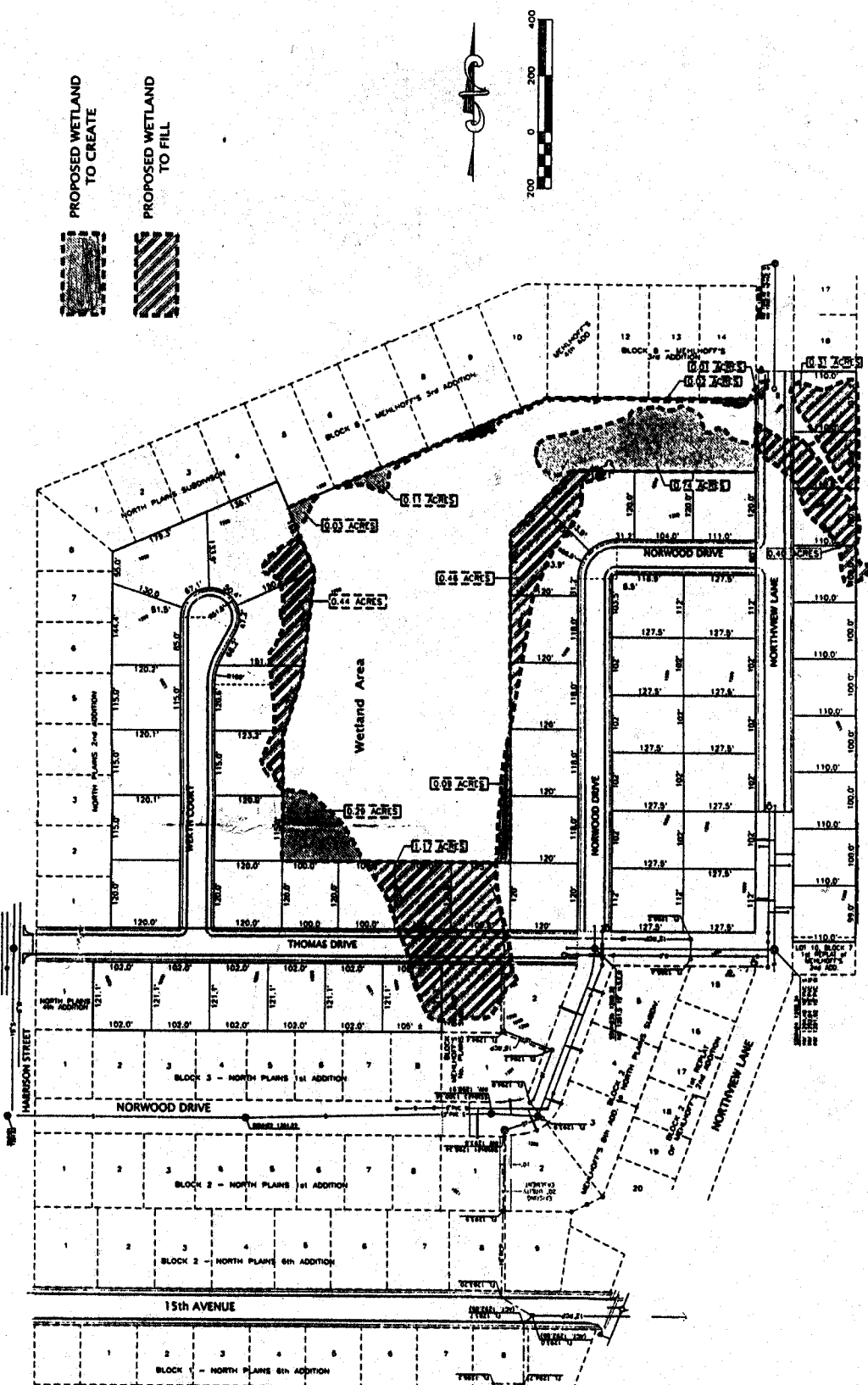
CHAPMAN
ENGINEERING CORPORATION
1011 First Avenue SE
Abbeville, SD 57402
(605) 225-3494
(605) 225-3433 fax

DESIGNED BY: M.L.C.	CHECKED BY: L.G.A.	PROJECT: MENARDT'S TOWN ADDITION TO NORTH PLAINS SUBDIVISION TO THE CITY OF ABERDEEN, BROWN COUNTY, SOUTH DAKOTA	SHEET DESCRIPTION: WETLAND CROSS SECTIONS	DATE: 12-6-2004	SHEET: 1
------------------------	-----------------------	---	--	--------------------	-------------

(North Plains\2004051\Protein-past\land-sections.dwg (layout: Table 2))

PURPOSE: Residential Development
APPLICATION BY: North Plains Estates II, Inc.
No. 200330381

IN wetlands
AT Sec. 7/T123N/R63W
COUNTY Brown
DATE 1/21/2005
SHEET 4 of 7



ARK CORPORATION 1011 First Avenue SE Aberdeen, SD 57402 (605) 225-3494 (605) 225-3433 Fax	DRAWN BY: MLC	CHECKED BY: LCA	PROJECT: MEHLHOFF'S 3RD ADDITION TO NORTH PLAINS SUBDIVISION TO THE CITY OF ABERDEEN, BROWN COUNTY, SOUTH DAKOTA	SHEET DESCRIPTION: EXHIBIT 7 WETLAND BOUNDARY	DATE: 12-6-2004	SHEET: 1
	A04054					

PURPOSE: Residential Development
APPLICATION BY:
 North Plains Estates II, Inc.
 No. 200330381

IN wetlands
AT Sec. 7/T123N/R63W
COUNTY Brown
DATE 1/21/2005
SHEET 5 of 7

ASHWOOD HEIGHTS SUBDIVISION

2.61 ACRES±

FUTURE
WETLAND
0.17 ACRES±

NEW
WETLANDS

CULVERT

CULVERT

PURPOSE: Residential Development
APPLICATION BY:
North Plains Estates II, Inc.
No. 200330381

IN wetlands
AT Sec. 7/T123N/R63W
COUNTY Brown
DATE 1/21/2005
SHEET 6 of 7

REVISIONS:

DRAWN BY:

KGH

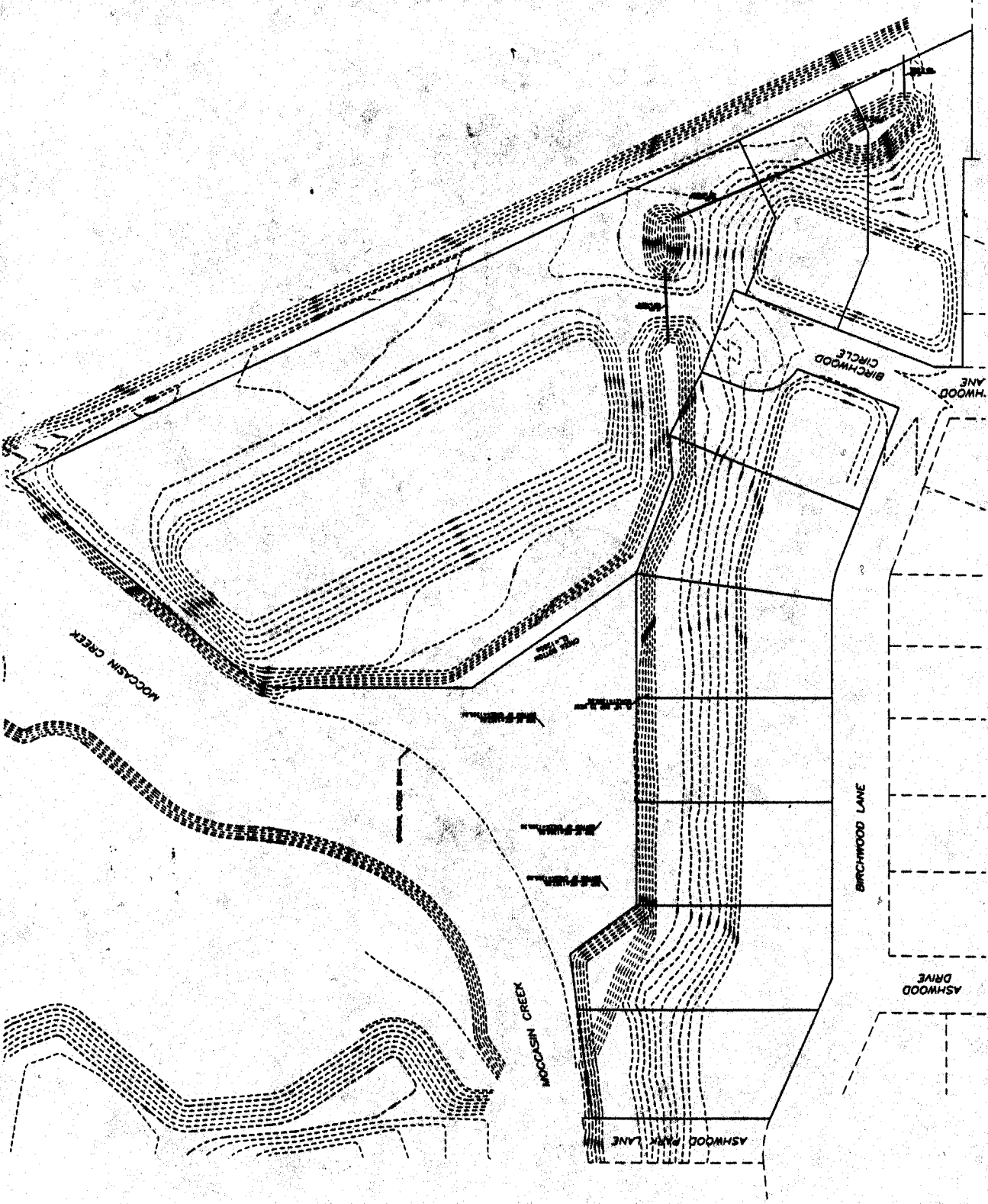
CHECKED BY:

LGA

PROJECT:

ASHWOOD HEIGHTS SUBDIVISION
ABERDEEN, SOUTH DAKOTA

SHEET DES



DATE: 12-13-13	SHEET DESCRIPTION: SHEET 8 PROPOSED GRADING MODIFICATION WITH 2.81 ACRES OF WETLAND	PROJECT: ASHWOOD HEIGHTS SUBDIVISION ABERDEEN, SOUTH DAKOTA	DESIGNED BY: USA	CHECKED BY: USA	REVISIONS:
----------------	---	---	------------------	-----------------	------------

1011 First Avenue SE
P.O. Box 20
Aberdeen, SD 57402
(605) 225-3494



PURPOSE: Residential Development
APPLICATION BY: North Plains Estates II, Inc.
 No. 200330381

IN wetlands
AT Sec. 7/T123N/R63W
COUNTY Brown
DATE 1/21/2005
SHEET 7 of 7